

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: **06/29/2001**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **Susan McMurray**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - cigs/tobacco**

Extra Copies:

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Tobacco-free school zones

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 06/29/2001	wjackson 06/29/2001	pgreensl 06/29/2001	_____	lrb_docadmin 06/29/2001	lrb_docadmin 06/29/2001	

FE Sent For:

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FE Sent For: <END>

2001

Date (time) needed now

LRB b 1973, 1

**ADC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

RNK: WY : \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

~~CAUCUS~~ <sup>Assembly</sup> **AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 SENATE BILL 55**

~~>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<~~

At the locations indicated, amend the substitute amendment as follows:

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

~~#. Page . . . . , line . . . . :~~

ASSEMBLY AMENDMENT ,  
~~TO ASSEMBLY AMENDMENT 1~~  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55

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~~At the locations indicated, amend the amendment as follows:~~

1. Page ~~709~~<sup>891</sup>, line ~~24~~<sup>6</sup> after that line insert:

~~("1374m. Page 891, line 6: after that line insert.~~

**SECTION 2449g.** 101.123 (1) (a) of the statutes is amended to read:

101.123 (1) (a) "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board. "Educational facility" does not include a school building that is subject to the prohibition under s. 118.115 (2)."

2. Page ~~709~~<sup>917</sup>, line ~~3~~<sup>22</sup> after that line insert:

~~("1432m. Page 917, line 22: after that line insert:~~

1           **“SECTION 2668nm.** 118.115 of the statutes is created to read:

2           **118.115 Tobacco-free school zones. (1) DEFINITIONS.** In this section:

3           (a) “Motor vehicle” has the meaning given in s. 340.01 (35).

4           (b) “Peace officer” has the meaning given in s. 939.22 (22).

5           (c) “School” means a public, parochial, private, or charter school which provides  
6 an educational program for one or more grades between grades 1 and 12.

7           (d) “School administrator” means a school district administrator or, for private  
8 or parochial schools, the governing body of the school.

9           (e) “School premises” means any school building, grounds, recreation area, or  
10 athletic field or any other property owned, used, or operated for the purpose of the  
11 school.

12           (f) “School zone” means any of the following:

13           1. School premises.

14           2. Any area within 1,000 feet of the school premises.

15           (g) “Smoke” means to carry a lighted cigar, cigarette, pipe, or any other lighted  
16 tobacco product or lighted smoking equipment.

17           (h) “Tobacco products” means smoking tobacco, snuff, and any other kind or  
18 form of tobacco prepared in such a manner as to be suitable for use for chewing.

19           **(2) USE OF TOBACCO PRODUCTS IN SCHOOL ZONE.** (a) No person may smoke or use  
20 tobacco products at a place that the person knows, or has reasonable cause to believe,  
21 is a school zone.

22           (b) The prohibition under par. (a) does not apply to smoking or using tobacco  
23 products by any of the following:

24           1. An adult on private property that is not part of the school premises.

25           2. An adult who is in a motor vehicle traveling through the school zone.

1           3. An adult in a program approved by the applicable school administrator.

2           4. An adult who smokes or uses tobacco products on the school premises as  
3 permitted under a contract entered into between the applicable school administrator  
4 and the adult or the employer of the adult.

5           (c) The prohibition against smoking under par. (a) does not apply to a place that  
6 is subject to regulation under s. 101.123.

7           **(3) ENFORCEMENT.** (a) A school administrator, or any person who is covered by  
8 a designation under par. (b), who has reasonable cause to believe that a person has  
9 violated sub. (2) (a) in his or her presence may detain the person in a reasonable  
10 manner for a reasonable length of time to deliver the person to a peace officer, or to  
11 his or her parent or guardian in the case of a minor. The detained person must be  
12 promptly informed of the purpose for the detention and be permitted to make phone  
13 calls, but he or she shall not be interrogated or searched against his or her will before  
14 the arrival of a peace officer who may conduct a lawful interrogation of the detained  
15 person. The school administrator, or any person covered by the designation under  
16 par. (b), may release the detained person before the arrival of a peace officer or parent  
17 or guardian. Any school administrator, or any person covered by the designation  
18 under par. (b), who acts in good faith under this subsection is immune from civil and  
19 criminal liability for those acts.

20           (b) A school administrator may designate individual employees, or  
21 classifications of employees, of a school to act under par. (a).

22           **(4) PENALTY.** A person who commits a violation of sub. (2) (a) is subject to a  
23 forfeiture of \$75." 